

2818

CONGRESSIONAL RECORD—SENATE

MARCH 18

Oklahoma, Mr. ELLENDER, Mr. ANDERSON, Mr. AIKEN, and Mr. YOUNG conferees on the part of the Senate.

PROMOTION OF THE PROGRESS OF SCIENCE

The bill (S. 247) to promote the progress of science; to advance the national health, prosperity, and welfare; to secure the national defense; and for other purposes, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That this act may be cited as the "National Science Foundation Act of 1949."

ESTABLISHMENT OF NATIONAL SCIENCE FOUNDATION

SEC. 2. There is hereby established in the executive branch of the Government an independent agency to be known as the National Science Foundation (hereinafter referred to as the "Foundation").

MEMBERSHIP OF FOUNDATION

SEC. 3. (a) The Foundation shall have 24 members to be appointed by the President, by and with the advice and consent of the Senate. The persons nominated for appointment as members (1) shall be eminent in the fields of the basic sciences, medical science, engineering, education, or public affairs; (2) shall be selected solely on the basis of established records of distinguished service; and (3) shall be so selected as to provide representation of the views of scientific leaders in all areas of the Nation. The President is requested, in the making of nominations of persons for appointment as members, to give due consideration to any recommendations for nomination which may be submitted to him by the National Academy of Sciences, Association of Land Grant Colleges and Universities, the National Association of State Universities, Association of American Colleges, or by other scientific or educational organizations.

(b) The term of office of each member of the Foundation shall be 6 years, except that (1) any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of such term; and (2) the terms of office of the members first taking office after the date of enactment of this act shall expire, as designated by the President at the time of appointment, eight at the end of 2 years, eight at the end of 4 years, eight at the end of 6 years, after the date of enactment of this act. Any person who has been a member of the Foundation for 12 consecutive years shall thereafter be ineligible for appointment during the 2-year period following the expiration of such twelfth year.

(c) The President shall call the first meeting of the members of the Foundation, at which the first order of business shall be the election of a chairman and a vice chairman.

POWERS AND DUTIES OF THE FOUNDATION

SEC. 4. (a) The Foundation is authorized and directed—

(1) to develop and encourage the pursuit of a national policy for the promotion of basic research and education in the sciences;

(2) to initiate and support basic scientific research in the mathematical, physical, medical, biological, engineering, and other sciences, by making contracts or other arrangements (including grants, loans, and other forms of assistance) for the conduct of such basic scientific research and to appraise the impact of research upon industrial development and upon the general welfare;

(3) after consultation with the Secretary of Defense, to initiate and support scientific research in connection with matters relating

to the national defense by making contracts or other arrangements (including grants, loans, and other forms of assistance) for the conduct of such scientific research;

(4) to grant scholarships and graduate fellowships in the mathematical, physical, medical, biological, engineering, and other sciences;

(5) to foster the interchange of scientific information among scientists in the United States and foreign countries;

(6) to correlate the Foundation's scientific research programs with those undertaken by individuals and by public and private research groups; and

(7) to establish such special commissions as the Foundation may from time to time deem necessary for the purposes of this act.

(b) In exercising the authority and discharging the functions referred to in subsection (a) of this section, it shall be the objective of the Foundation to achieve the results of scientific research in the most efficient manner possible and to strengthen basic research and education in the sciences, including independent research by individuals, throughout the United States, including its Territories and possessions, and to avoid undue concentration of such research and education.

(c) The members of the Foundation shall meet annually on the first Monday in December and at such other times as the Chairman may determine, but he shall also call a meeting whenever one-third of the members so request in writing. A majority of the members of the Foundation shall constitute a quorum. Each member shall be given notice, by registered mail mailed to his last-known address of record, not less than 15 days prior to any meeting, of the call of such meeting.

(d) The first Chairman and Vice Chairman of the Foundation shall be elected by the Foundation to serve until the first Monday in December next succeeding the date of election, at which time a Chairman and Vice Chairman shall be elected for a term of 2 years. Thereafter such election shall take place at the annual meeting occurring at the end of each such term. The Vice Chairman shall perform the duties of the Chairman in his absence. In case a vacancy occurs in the chairmanship or vice chairmanship, the Foundation shall elect a member to fill such vacancy.

(e) The Foundation is authorized to appoint from among its members an executive committee, and from time to time to appoint from among its members, or otherwise, such other committees as it deems necessary, and to assign to such executive committee or other committees such powers and functions as it deems appropriate for the purposes of this act.

(f) The Foundation shall render an annual report to the President for submission on or before the 15th day of January to the Congress, summarizing the activities of the Foundation and making such recommendations as it may deem appropriate.

DIRECTOR OF FOUNDATION

SEC. 5. There shall be a Director of the Foundation who shall be appointed by the President, by and with the advice and consent of the Senate, after the members of the Foundation have been appointed and qualified. He shall serve as an ex-officio member of the Foundation. In addition thereto he shall be the chief executive officer of the Foundation. The Director shall receive compensation at the rate of \$15,000 per annum and shall serve for a term of 6 years unless sooner removed by the President.

DIVISIONS WITHIN THE FOUNDATION

SEC. 6. (a) Until otherwise provided by the Foundation, there shall be within the Foundation the following divisions:

(1) A Division of Medical Research;

(2) A Division of Mathematical, Physical, and Engineering Sciences;

(3) A Division of Biological Sciences; and

(4) A Division of Scientific Personnel and Education, which shall be concerned with programs of the Foundation relating to the granting of scholarships and graduate fellowships in the mathematical, physical, medical, biological, engineering, and other sciences.

(b) There shall also be within the Foundation such other divisions as the Foundation may, from time to time, deem necessary.

DIVISIONAL COMMITTEES

SEC. 7. (a) There shall be a committee for each division of the Foundation.

(b) Each divisional committee shall be appointed by the Foundation and shall consist of not less than five persons who may be members or nonmembers of the Foundation.

(c) The terms of members of each divisional committee shall be 2 years. Each divisional committee shall annually elect its own chairman from among its own members, and shall prescribe its own rules of procedure, subject to such restrictions as may be prescribed by the Foundation.

(d) Each divisional committee shall make recommendations to, and advise and consult with, the Foundation and the Director with respect to matters relating to the program of its division.

SPECIAL COMMISSIONS

SEC. 8. (a) Each special commission established by the Foundation pursuant to section 4 (a) (7) shall consist of 11 members appointed by the Foundation, 6 of whom shall be eminent scientists and 5 of whom shall be persons other than scientists. Each special commission shall choose its own chairman and vice chairman.

(b) It shall be the duty of each such special commission to make a comprehensive survey of research, both public and private, being carried on in its field, and to formulate and recommend to the Foundation, at the earliest practicable date, an over-all research program in its field.

SCHOLARSHIPS AND GRADUATE FELLOWSHIPS; REGISTER OF SCIENTIFIC PERSONNEL

SEC. 9. (a) The Director, with the approval of the Foundation, is authorized to award, within the limits of funds made available pursuant to section 13, scholarships and graduate fellowships for scientific study or scientific work in the mathematical, physical, medical, biological, engineering, and other sciences at accredited nonprofit American or nonprofit foreign institutions of higher education, selected by the recipient of such aid, for stated periods of time. Persons shall be selected for such scholarships and fellowships from among citizens of the United States, and such selections shall be made solely on the basis of ability; but in any case in which two or more applicants for scholarships or fellowships, as the case may be, are deemed by the Director and the Foundation to be possessed of substantially equal ability, and there are not sufficient scholarships or fellowships, as the case may be, available to grant one to each of such applicants, the available scholarship or scholarships or fellowship or fellowships shall be awarded to the applicants in such manner as will tend to result in a wide distribution of scholarships and fellowships among the States, Territories, possessions, and the District of Columbia.

(b) The Foundation shall maintain a register of scientific and technical personnel and in other ways provide a central clearinghouse for information covering all scientific and technical personnel in the United States and its possessions.

AUTHORITY OF FOUNDATION

SEC. 10. The Foundation is empowered to do all things necessary to carry out the provisions of this act, and without being limited

thereby, the Foundation is specifically authorized—

(a) to prescribe such rules and regulations as it deems necessary governing the manner of its operations and its organization and personnel;

(b) to make such expenditures as may be necessary for administering the provisions of this act;

(c) to enter into contracts or other arrangements, or modifications thereof, for the carrying on, by organizations or individuals in the United States and foreign countries, including other Government agencies of the United States and of foreign countries (without legal consideration, without performance or other bonds, and without regard to section 3709 of the Revised Statutes), of such basic scientific research activities as the Foundation deems necessary to carry out the purposes of this act;

(d) to make advance, progress, and other payments which relate to scientific research without regard to the provisions of section 3648 of the Revised Statutes (31 U. S. C., sec. 529);

(e) to acquire by purchase, lease, loan, or gift, and to hold and dispose of by sale, lease, or loan, real and personal property of all kinds necessary for, or resulting from, scientific research;

(f) to receive and use funds donated by others; if such funds are donated, without restriction, other than that they be used in furtherance of one or more of the general purposes of the Foundation;

(g) to publish or arrange for the publication of scientific and technical information so as to further the full dissemination of information of scientific value consistent with the national interest, without regard to the provisions of section 87 of the act of January 12, 1895 (28 Stat. 622), and section 11 of the act of March 1, 1919 (40 Stat. 1270; 44 U. S. C., sec. 111);

(h) to accept and utilize the services of voluntary and uncompensated personnel and to pay the actual and necessary traveling and subsistence expenses (including, in lieu of subsistence, per diem allowances at a rate not in excess of \$10 for such personnel incurred in the course of such services); and

(i) to prescribe, with the approval of the Comptroller General of the United States, the extent to which vouchers for funds expended under contracts for scientific research shall be subject to itemization or substantiation prior to payment, without regard to the limitations of other laws relating to the expenditure of public funds and accounting therefor.

PATENT RIGHTS

SEC. 11. (a) Each contract or other arrangement executed pursuant to this act which relates to scientific research shall contain provisions governing the disposition of inventions produced thereunder in a manner calculated to protect the public interest and the equities of the individual or organization with which the contract or other arrangement is executed: *Provided, however*, That nothing in this act shall be construed to authorize the Foundation, by any contractual or other arrangement, to alter or modify any provision of law affecting the issuance or use of patents.

(b) No officer or employee of the Foundation shall acquire, retain, or transfer any rights, under the patent laws of the United States or otherwise, in any invention which he may make or produce in connection with performing his assigned activities and which is directly related to the subject matter thereof: *Provided, however*, That this subsection shall not be construed to prevent any officer or employee of the Foundation from executing any application for patent on any such invention for the purpose of assigning the same to the Government or its

nominee in accordance with such rules and regulations as the Director may establish.

INTERNATIONAL COOPERATION

SEC. 12. (a) The Foundation is hereby authorized to cooperate in any international scientific research activities consistent with the purposes of this act and to expend for such international scientific research activities such sums within the limit of appropriated funds as the Foundation may deem desirable.

(b) The Director, with the approval of the Foundation, may defray the expenses of representatives of Government agencies and other organizations and of individual scientists to accredited international scientific congresses and meetings whenever he deems it necessary in the promotion of the objectives of this act.

APPROPRIATIONS

SEC. 13. (a) To enable the Foundation to carry out its powers and duties, there is hereby authorized to be appropriated annually to the Foundation, out of any money in the Treasury not otherwise appropriated, such sums as may be necessary to carry out the provisions of this act.

(b) The funds hereafter appropriated to the Foundation, as herein authorized, shall, if obligated during the fiscal year for which appropriated, remain available for expenditure for 4 years following the expiration of the fiscal year for which appropriated. After such 4-year period, the unexpended balances of appropriations shall be carried to the surplus fund and covered into the Treasury.

GENERAL PROVISIONS

SEC. 14. (a) The Director shall, in accordance with such policies as the Foundation shall from time to time prescribe, appoint and fix the compensation of such personnel as may be necessary to carry out the provisions of this act. Such appointments shall be made and such compensation shall be fixed in accordance with the provisions of the civil-service laws and regulations and the Classification Act of 1923, as amended: *Provided*, That the Director may in accordance with such policies as the Foundation shall from time to time prescribe, employ such technical and professional personnel and fix their compensation, without regard to such laws, as he may deem necessary for the discharge of the responsibilities of the Foundation under this act. The Deputy Director hereinafter provided for, and the members of the divisional committees, and special commissions, shall be appointed without regard to the civil-service laws or regulations. Neither the Director nor the Deputy Director shall engage in any other business, vocation, or employment than that of serving as such Director or Deputy Director, as the case may be; nor shall the Director or Deputy Director, except with the approval of the Foundation, hold any office in, or act in any capacity for, any organization, agency, or institution with which the Foundation makes any contract or other arrangement under this act.

(b) The Director may appoint, with the approval of the Foundation, a Deputy Director who shall perform such functions as the Director, with the approval of the Foundation, may prescribe and shall be Acting Director during the absence or disability of the Director or in the event of a vacancy in the Office of the Director, and who shall receive compensation at a rate not to exceed \$12,000 per annum.

(c) The Foundation shall not, itself, operate any laboratories or pilot plants.

(d) The members of the Foundation, and the members of each divisional committee, or special commission, shall receive compensation at the rate of \$25 for each day engaged in the business of the Foundation pursuant to authorization of the Founda-

tion, and shall be allowed actual and necessary traveling and subsistence expenses (including, in lieu of subsistence, per diem allowances at a rate not in excess of \$10) when engaged, away from home, in the duties of their offices.

(e) Persons holding other offices in the executive branch of the Federal Government may serve as members of the divisional committees, and special commissions, but they shall not receive remuneration for their services as such members during any period for which they receive compensation for their services in such other offices.

(f) Service of an individual as a member of the Foundation, of a divisional committee, or of a special commission shall not be considered as service bringing him within the provisions of section 109 or section 113 of the Criminal Code (U. S. C., 1940 ed., title 18, sec. 198 and 203) or section 19 (e) of the Contract Settlement Act of 1944, unless the act of such individual, which by such section is made unlawful when performed by an individual referred to in such section, is with respect to any particular matter which directly involves the Foundation or in which the Foundation is directly interested.

(g) In making contracts or other arrangements for scientific research, the Foundation shall utilize appropriations available therefor in such manner as will in its discretion best realize the objectives of (1) having the work performed by organizations, agencies, and institutions, or individuals in the United States or foreign countries, including Government agencies of the United States and of foreign countries, qualified by training and experience to achieve the results desired, (2) strengthening the research staff of organizations, particularly nonprofit organizations, in the States and Territories and the District of Columbia, and (3) aiding institutions, agencies or organizations which, if aided, will advance basic research, and (4) encouraging independent basic research by individuals.

(h) The activities of the Foundation shall be construed as supplementing and not superseding, curtailing, or limiting any of the functions or activities of other Government agencies authorized to engage in scientific research or development.

(i) Funds available to any department or agency of the Government for scientific or technical research, or the provision of facilities therefor, shall be available for transfer, with the approval of the head of the department or agency involved, in whole or in part, to the Foundation for such use as is consistent with the purposes for which such funds were provided, and funds so transferred shall be expendable by the Foundation for the purposes for which the transfer was made, and, until such time as an appropriation is made available directly to the Foundation, for general administrative expenses of the Foundation without regard to limitations otherwise applicable to such funds.

(j) The National Roster of Scientific and Specialized Personnel shall be transferred from the Department of Labor to the Foundation, together with such of the personnel, records, property, and balances of appropriations as have been utilized or are available for use in the administration of such roster as may be determined by the President. The transfer provided for in this subsection shall take effect at such time or times as the President shall direct.

(k) The Foundation shall not support any research or development activity in the field of atomic energy, nor shall it exercise any authority pursuant to section 10 (e) in respect to that field, without first having obtained the concurrence of the Atomic Energy Commission that such activity will not

adversely affect the common defense and security. Nothing in this act shall supersede or modify any provision of the Atomic Energy Act of 1946.

(1) The Foundation, after consultation with the Secretary of Defense, shall establish regulations and procedures for the security classification of information or property (having military significance) in connection with scientific research under this act, and for the proper safeguarding of any information or property so classified.

COORDINATION WITH FOREIGN POLICY

Sec. 15. (a) The authority to enter into contracts or other arrangements with organizations or individuals in foreign countries and with agencies of foreign countries, as provided in section 10 (c), and the authority to cooperate in international scientific research activities as provided in section 12 (a), shall be exercised in such manner as is consistent with the foreign policy objectives of the United States as determined by the Secretary of State after consultation with the Director.

(b) If, in the exercise of the authority referred to in subsection (a) to carry out the purposes of this act, negotiation with foreign countries or agencies thereof becomes necessary, such negotiation shall be carried on by the Secretary of State in consultation with the Director.

IMPORT TAXES ON COPPER

The bill (H. R. 2313) to suspend certain import taxes on copper, was announced as next in order.

The VICE PRESIDENT. Is there objection to the consideration of the bill?

Mr. MAGNUSON. I should like to have an explanation of the bill.

Mr. MALONE. Over.

Mr. GEORGE. Mr. President, I hope the Senator will withhold his objection, because I should like to make a statement.

The VICE PRESIDENT. Will the Senator from Nevada withhold his objection?

Mr. MALONE. Certainly.

Mr. GEORGE. Mr. President, in the Eightieth Congress the ad valorem duty on copper and copper ores, and so forth, was suspended for a period of 2 years; that is to say, the suspension will run through March 31, 1949. The House has passed a bill further suspending the ad valorem duty for an additional 2-year period, and I call attention to the fact that since the present act will expire on the 31st day of March 1949, this is one of the bills which has a deadline. The bill is of no small consequence because of the fact that the copper supply in the United States is below the domestic requirements, and particularly is below the 15,000 pounds now being added monthly to the stock pile.

I hope that the Senator from Illinois will permit a motion to be made to take up the bill at the conclusion of the call of the calendar. I realize that it cannot be discussed under the 5-minute rule, and objection has been made. I should like to have the bill considered.

The VICE PRESIDENT. The Chair understands the Senator from Georgia to ask that the bill go to the foot of the calendar.

Mr. McMAHON. Mr. President, will the Senator from Illinois withhold his objection?

Mr. LUCAS. I am not objecting to the bill.

The VICE PRESIDENT. Objection was made by the Senator from Nevada [Mr. MALONE].

Mr. LUCAS. Mr. President, I may say that this is an emergency matter, and when the call of the calendar is concluded, I hope the Senator from Georgia will move to take up the bill and have the Senate act on it.

The VICE PRESIDENT. It is not necessary for the bill to go to the foot of the calendar in order that a motion may be made to take it up.

Mr. GEORGE. I did not ask that it go to the foot of the calendar. I merely asked for permission to bring the bill up, or make a motion to bring it up.

The VICE PRESIDENT. The clerk will state the next bill on the calendar.

BILL PASSED OVER

The bill (S. 110) to broaden the cooperative extension system as established in the act of May 8, 1914, and acts supplemental thereto, by providing for cooperative extension work between colleges receiving the benefits of this act and the acts of July 2, 1862, and August 30, 1890, and other qualified colleges, universities, and research agencies, and the United States Department of Labor, was announced as next in order.

SEVERAL SENATORS. Over.

The VICE PRESIDENT. The bill will be passed over.

PAY AND ALLOWANCES TO OFFICERS OF THE NAVAL ESTABLISHMENT

The bill (S. 779) relating to the pay and allowances of officers of the Naval Establishment appointed to permanent grades was announced as next in order.

Mr. McCARRAN. Over.

Mr. BYRD. Mr. President, will the Senator withhold his objection to permit an explanation?

Mr. McCARRAN. Certainly.

Mr. BYRD. Mr. President, the purpose of the bill is to prevent the creation of claims for back pay and allowances due to the readjustment in lineal precedence of officers of the Navy, Marine Corps, and their Reserves required by the Officer Personnel Act of 1947. There was an ambiguity in the act of 1947, and the purpose of the bill is to clear up the ambiguity so that claims will not be filed for back pay and allowances.

Mr. LODGE. Mr. President, will the Senator from Virginia yield?

Mr. BYRD. I yield.

Mr. LODGE. Does this bill see to it that these rates of pay are thoroughly harmonized with the rates of pay in the Army and the Air Force?

Mr. BYRD. Yes.

Mr. LODGE. It does not promote any inequalities or inequities?

Mr. BYRD. In fact, it would correct inequalities by clearing up an ambiguity which existed in the act of 1947.

Mr. McCARRAN. Mr. President, does the bill deal with an increase in pay all the way through the military forces?

Mr. BYRD. Not at all; it has just the opposite purpose. It would prevent claims for back pay and allowances.

Mr. McCARRAN. Is that all there is in the bill?

Mr. BYRD. That is all there is in the bill.

Mr. McCARRAN. I withdraw the objection.

The VICE PRESIDENT. Is there objection to the consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which was ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That permanent appointments issued after August 7, 1947, to officers of the Navy, Marine Corps, and Reserve components thereof, incident to the transition from temporary to permanent grades, shall in no case be effective for pay purposes prior to August 7, 1947, irrespective of the date of rank assigned for precedence purposes and notwithstanding the provisions of section 312 of the Naval Reserve Act of 1938, as amended, and the provisions of the act of March 4, 1913 (37 Stat. 892, 34 U. S. C. 870).

NATIONAL SURVEY OF FOREST RESOURCES

The Senate proceeded to consider the bill (S. 979) to amend section 9 of the act of May 22, 1928, as amended, authorizing and directing a national survey of forest resources.

Mr. SMITH of New Jersey. Mr. President, I should like to ask the Senator from Minnesota for an explanation of the bill.

Mr. THYE. Mr. President, this is a bill to amend an act which has been on the statute books since 1928, and the purpose is to continue a survey of our forests to ascertain the growth, the cutting, the diseases, and all information relating to our natural forest resources. The act carried an appropriation, on the first passage of the measure, of \$3,000,000. Then it was increased to \$6,500,000. Then, because of the war, there was a general delay in the work, and now we ask for an increased appropriation because of increased costs, and also because the work has been delayed so long, in order that we may have complete information about natural forest resources. There is a desire to speed up the investigation and study of our forest resources. The bill was reported unanimously by the Committee on Agriculture and Forestry and has behind it the recommendation of the Department of Agriculture.

Mr. LANGER. Mr. President, can the Senator give us an idea as to the approximate cost?

Mr. THYE. The amendment to the law calls for a total appropriation of \$11,000,000, for the whole purpose, but only \$1,000,000 is to be appropriated annually to continue the study.

The VICE PRESIDENT. Is there objection to the consideration of the bill?

Mr. SMITH of New Jersey. I have no objection.

The bill was ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That to enable the Secretary of Agriculture to complete and keep current the forest survey authorized by section 9 of the act of May 22, 1928, as amended (45 Stat. 699, 702; 58 Stat. 265; 16 U. S. C. 581h), so that a continuous and comprehensive timber inventory will be maintained as part of the forest-conservation program, said section is amended (1) by striking out "\$750,000" and inserting "\$1,000,000"; (2) by striking out "\$6,500,000" and inserting "\$11,-